

IN RE: PETITIONS FOR SPECIAL HEARING
AND ZONING VARIANCE - 58/5
Evergreen Lane, 495' NE of the
c/l of Beachwood Avenue
(1213-A Evergreen Lane)
15th Election District
5th Councilmanic District
Michael D. Shifflett, et ux
petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve Lots 111 and 112 combined as an undersized buildable lot, and a variance to permit two lot line setbacks of 32 feet and 33 feet in lieu of the required minimum of 50 feet each, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared, testified, and were represented by Randolph H. Blair, Esq. There were no Protestants.

Testimony indicated that the subject property, known as 1213-A Evergreen Lane, consists of two lots comprising 20,000 sq. ft. total, zoned R.C. 5 and is currently unimproved. Said property is part of the Evergreen Park community, which was developed in the 1920s, and is located within the Chesapeake Bay Critical Areas near Back River. Petitioners testified they purchased Lots 111 and 112 in January 1989 with the intention of building a two story single family dwelling. Testimony presented indicated that a home cannot be built on the subject property without the requested variances as the total width of the two lots is required to meet side yard setback requirements. They currently reside on the adjoining property known as 1213 Evergreen Lane which they purchased two years ago. Petitioners testified they have outgrown their present home and would like to remain in the area. Petitioners introduced photographs depicting the proposed

dwelling and testified its design is compatible with other homes in the community and requires less side yard variances than many of the adjoining properties currently provide. Petitioners argued that without the requested variances the two lots will be undevelopable. Petitioners further testified that the planting recommended by the Department of Environmental Protection and Resource Management (DEPRM) as set forth in their comments dated July 24, 1989 has already been completed and that they will comply with the requirements of the Bureau of Water Quality and Resource Management as set forth in their comments dated July 20, 1989 regarding water and sewer disposal.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Further, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or struc-

tures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number,

movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of November, 1989, that the Petition for Special Hearing to approve Lots 111 and 112 combined as an undersized buildable lot, and a variance to permit two lot line setbacks of 32 feet and 33 feet in lieu of the required minimum of 50 feet each, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief requested:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated July 24, 1989 and the Bureau of Water Quality and Resource

Management comments dated July 20, 1989, both of which are attached hereto and made a part hereof.

ANN H. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

CRITICAL AREA #9
PETITION FOR ZONING VARIANCE/SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 70-147-SP#4

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1404.3.B.3. To permit 2 lot line setbacks (sides) of 32 ft. and 33 ft. in lieu of the minimum 50 ft. and to determine "good faith" for Lots #111 and #112 combined as an undersized buildable lot.

of the Zoning Regulations of Baltimore County; to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

- 1.) PROPERTY NOT AS VALUABLE IF NOT BUILDABLE.
- 2.) NEED LARGER HOUSE FOR EXPANDING FAMILY.
- 3.) WOULD LIKE TO SELL OR RENT CURRENT HOUSE TO FAMILY MEMBER.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____ Legal Owner(s): _____
(Type or Print Name) (Type or Print Name)
Signature _____ Signature _____
Address _____ Address _____
City and State _____ City and State _____
Attorney for Petitioner: _____ Address _____ Phone No. _____
(Type or Print Name) _____
Signature _____ City and State _____
Address _____ Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State _____ MICHAEL D. SHIFFLETT
Name
1213 EVERGREEN LANE, BALTO., MD 21221
Address Phone No. 391-7188
Attorney's Telephone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day

of 11/19/89, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the 1st day of 12/1989, at 8:30 o'clock P.M.

(over)

BALTIMORE COUNTY, MARYLAND No. 074454
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 8/25/89 ACCOUNT 01-615
AMOUNT \$ 35.00
RECEIVED FROM Betty Jo + Michael Shifflett
1213 Evergreen Lane (Critical Area)
FOR Bis Special Hearing (Item #9)
B 8114*****3500: a 3284F
VALIDATION OR SIGNATURE OF CASHIER

Tracking System

Baltimore County
Zoning Commissioner
Office of Planning & Zoning

Date Receipt FEE
Day Month Year Number TYPE Identification Number Council District Election District Zip Code
9-2-89 074454 03 01-6157 5 21221
Petitioner: Shifflett Michael D.
(Last) (First) (Middle Initial)
Property Address: 1213 A. Evergreen Lane
(Number) (Street)

BEGINNING ON THE NORTH SIDE ONE MILE ON EVERGREEN LANE FROM THE SUBDIVISION OF EVERGREEN PARK LOTS NUMBER 111 & 112 BOOK NO. 7 FOLIO 174 AND NO. 6740 FOLIO 24 TO BACK RIVERNECK ROAD WEST. ALSO KNOWN AS LOT 1213A IN THE 15TH ELECTION DISTRICT.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1224
Posted for: Varian + Special Hearing
Petitioner: Michael D. Shifflett et ux
Location of property: 1213 A. Evergreen Lane, NE of Beachwood Ave.
Location of Sign: Facing Evergreen Lane approx. 25' E of property
Remarks: No sign on property
Posted by: [Signature]
Number of Signs: 1
Date of Posting: 10/15/89
Date of return: 12/19/89

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations, has set a public hearing on the proposed rezoning of the property located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petitions for Special Hearing & Zoning Variance
Case Number: 90-147-SPHA
1213A Evergreen Lane
15th Election District
5th Councilmanic
Petitioner(s): Michael D. Shifflett, et ux
Hearing Date: Wednesday, Nov. 1, 1989 at 9:30 a.m.
Variance and Special Hearing: To permit two lot line setbacks (sides) of 32 feet and 33 feet in lieu of the minimum 50 feet and to determine "good faith" for Lots #111 and #112 combined as an undersize, buildable lot.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 5, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 5, 1989.

THE JEFFERSONIAN,

S. Zabe Orlean
Publisher

PO 17241
reg 134219
re 90-147-SPHA
price \$437

442 Eastern Blvd
Baltimore, MD 21221
October 5, 1989
THIS IS TO CERTIFY, that the annexed advertisement of Michael D. Shifflett in the matter of Special Hearing Case # 90-147-SPHA P.O.#17240, Reg. # N34218, 91 lines @ .55 or \$50.05 was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for 1 successive week(s) before the 6 day of Oct, 1989. I, Robert Haines, the same was inserted in the issues of Oct. 5, 1989.

The Avenue Inc.
per publisher
Robert Haines

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 18, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing & Zoning Variance
Case Number: 90-147-SPHA
SE 1/4 of Evergreen Lane, 495' NE c/l Beachwood Avenue
1213A Evergreen Lane
15th Election District - 5th Councilmanic
Petitioner(s): Michael D. Shifflett, et ux
HEARING: WEDNESDAY, NOVEMBER 1, 1989 at 9:30 a.m.

Variance and Special Hearing: To permit two lot line setbacks (sides) of 32 feet and 33 feet in lieu of the minimum 50 feet and to determine "good faith" for Lots #111 and #112 combined as an undersize, buildable lot.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: Michael D. Shifflett
File

Baltimore County
Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R0016150
No. 118
90-147-SPHA

Date: 10/20/89
CASHIER VALIDATION: 10/20/89
Please make checks payable to: Baltimore County

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 10/20/89

Dennis F. Rasmussen
County Executive

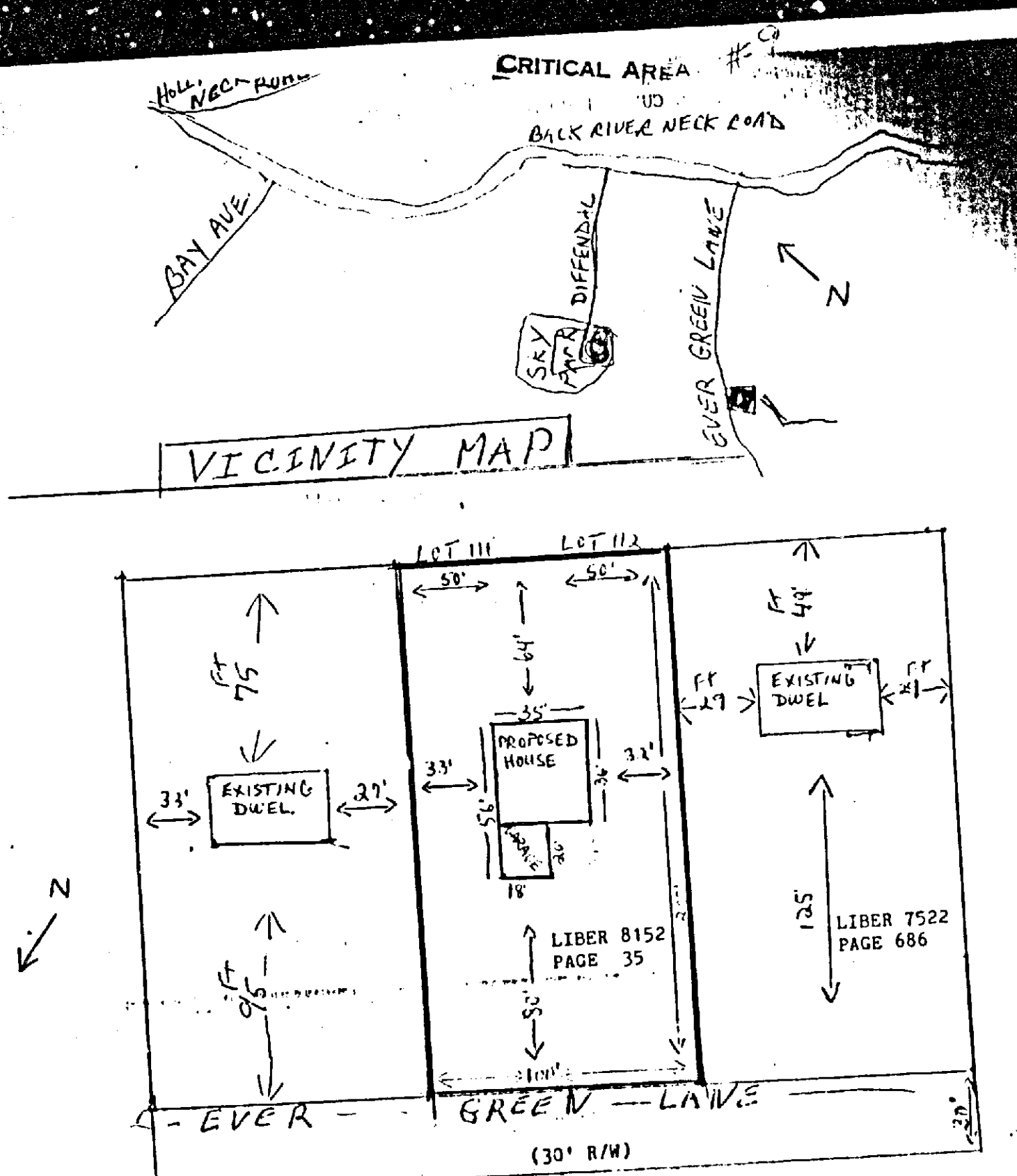
Mr. Michael D. Shifflett
1213 Evergreen Lane
Baltimore, Maryland 21221
Re: Petitions for Special Hearing & Zoning Variance
Case Number: 90-147-SPHA
SE 1/4 of Evergreen Lane, 495' NE c/l Beachwood Avenue
1213A Evergreen Lane
15th Election District - 5th Councilmanic
Petitioner(s): Michael D. Shifflett, et ux
HEARING: WEDNESDAY, NOVEMBER 1, 1989 at 9:30 a.m.

Dear Petitioner:
Please be advised that \$ 141.42 is due for advertising and posting of the above captioned property.
THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE UNDER SIGNED NOT ISSUE.
DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.
Be advised that should you fail to return the sign & post set(s), there will be an additional \$20.00 added to the above amount for each such set not returned.

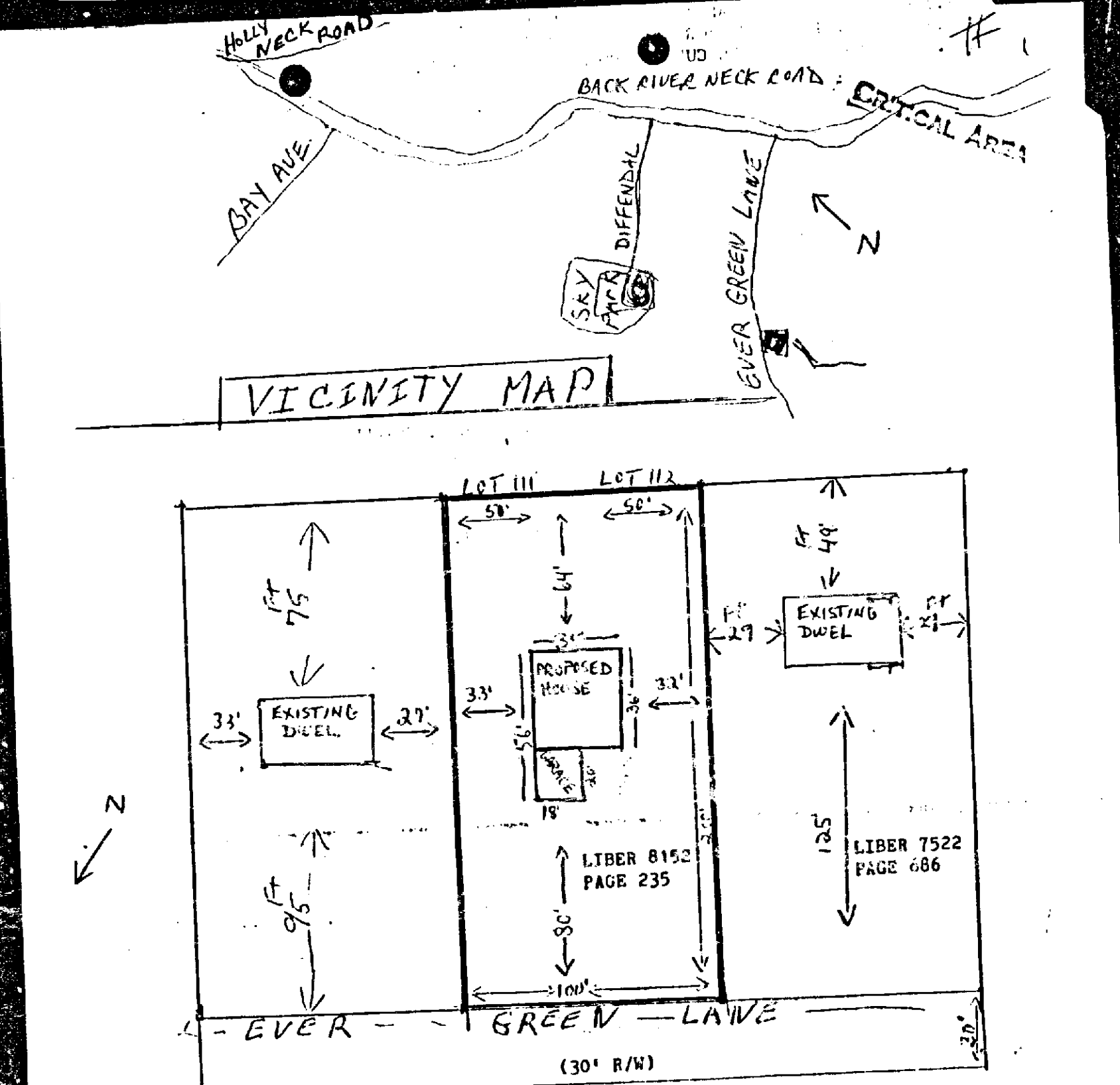
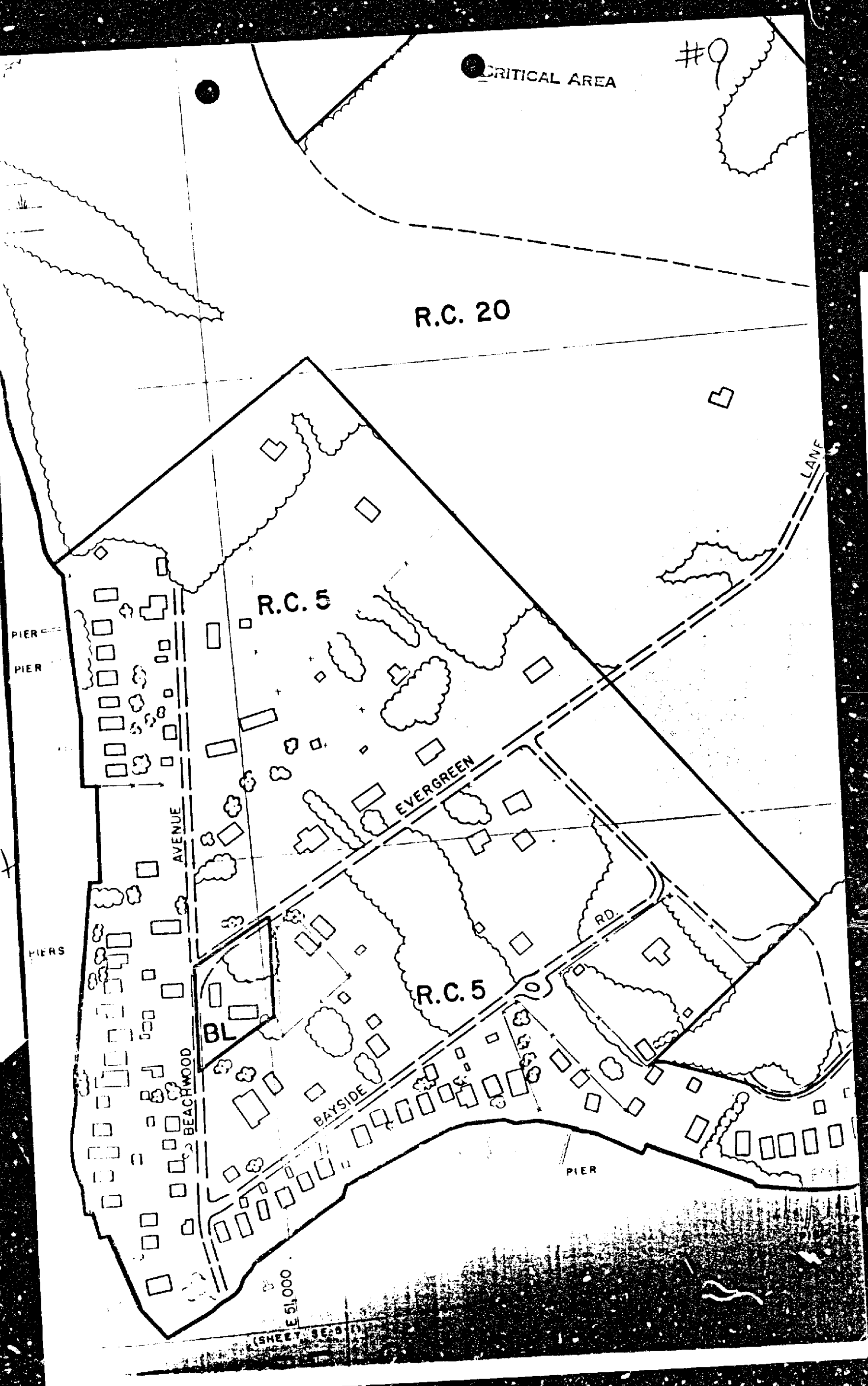
Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: File



PLAT FOR ZONING VARIANCE
OWN ER - MICHAEL D. SHIFFLETT & BETTY - SHIFFLETT
DISTRICT - 15 ZONED RCD
SUBDIVISION - EVERGREEN PARK
LOT NOS. 111 & 112 ALSO KNOWN AS 1213A, PLAT BOOK W.P.C. NO. 7 FOLIO 174 AND NO. 6740
FOLIO 24
SCALE: 1" = 50'

Petitioner's Exhibit
1



PLAT FOR ZONING VARIANCE
OWN ER - MICHAEL D. SHIFFLETT & BETTY - SHIFFLETT
DISTRICT - 15 ZONED RCD
SUBDIVISION - EVERGREEN PARK
LOT NOS. 111 & 112 ALSO KNOWN AS 1213A, PLAT BOOK W.P.C. NO. 7 FOLIO 174 AND NO. 6740
FOLIO 24
SCALE: 1" = 50'

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 9
Shifflett Property
Chesapeake Bay Critical Area Findings

DATE: July 24, 1989

RECEIVED
AUG 24 1989

ZONING OFFICE

SITE LOCATION

The subject property is located at 1213 Evergreen Lane off Back River Neck Road in Evergreen Park. The site is within the Chesapeake Bay Critical Area and is classified as a limited development area (LDA).

APPLICANT'S NAME Mr. and Mrs. Michael D. Shifflett

APPLICANT PROPOSAL

The applicant has requested a variance from section 1A04.3.B.3 of the Baltimore County Zoning Regulations to permit 2 lot line setbacks (sides) of 32 feet and 33 feet in lieu of the minimum 50 feet and to determine "good faith" for lots #111 and #112 combined as an undersized buildable lot.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines
July 24, 1989
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Findings: This property is located approximately 600 feet from Back River, and therefore is in compliance with the regulation stated above.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." <Baltimore County Code Sec. 22-98>

Findings: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site and therefore none will be disturbed by the proposed project.

3. Regulation: "If no forest or developed woodland exists on a developed site these sites shall be planted to provide forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)>.

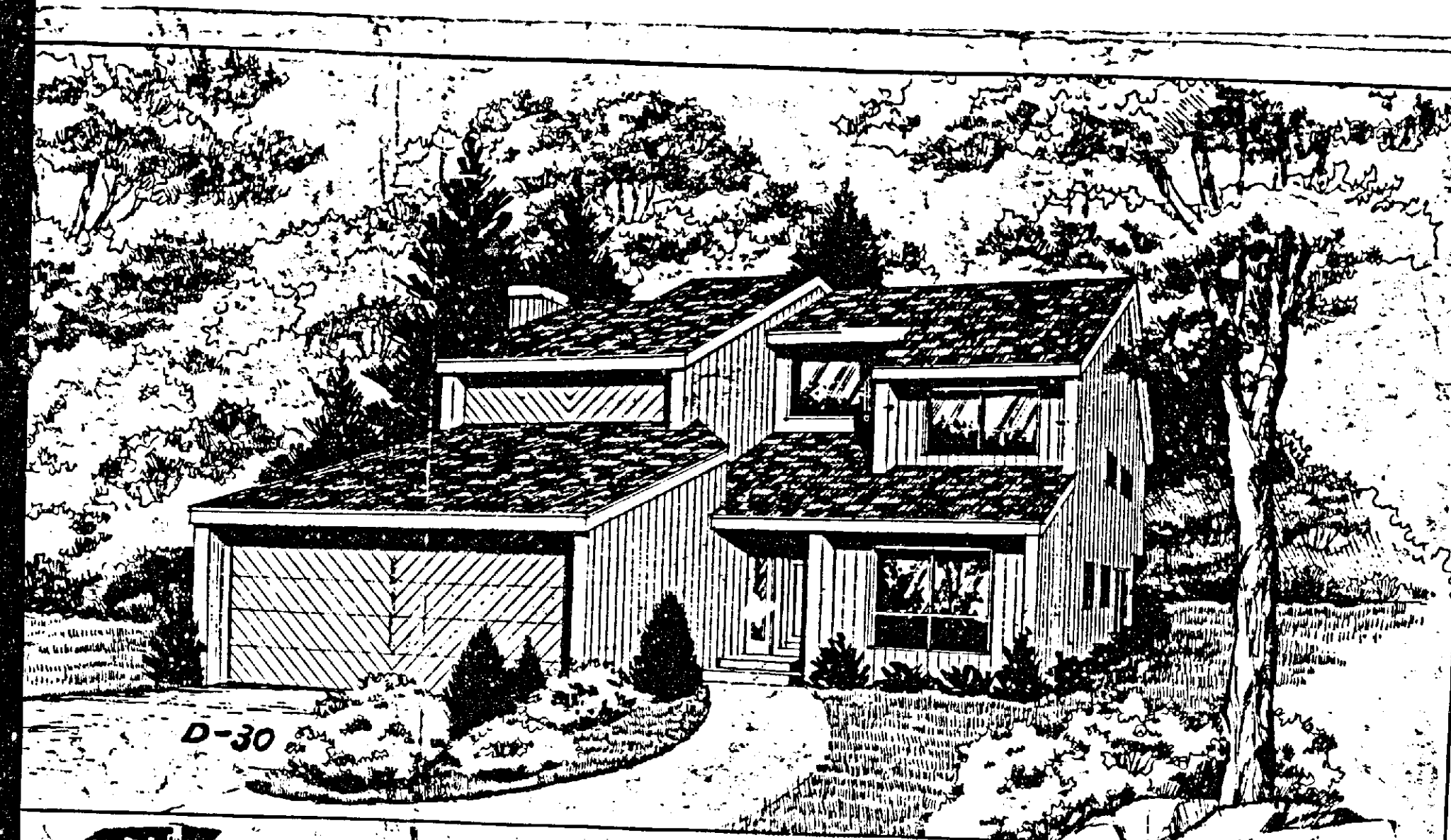
Findings: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 8 items - ball and burlap or 2 gallon container size
Tree list: 2 items - minimum 4 foot size

4. Regulation: "Infiltration of storm water shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Sec. 22-217(a)2>.

Findings:

- a. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
- b. Rooftop runoff shall be directed through down-spouts and into a Dutch drain or seepage pit to encourage maximum infiltration (see attached information).



THIS TRIM, stylish design shows just how attractive a home built for a narrow lot can be. This contemporary also offers four bedrooms and two baths, and the garage can accommodate two cars.

m' Home Is Heavy on Comfort

UKAS
land prices has

Petition
Exhibit 3

PLANT ASSOCIATION: UPLAND MOIST

NAME RELATIVE ABUNDANCE

VEGETATIVE STRATA - SHRUBS AND SMALL TREES

<u>Asimina triloba</u>	(Paw Paw)	Abundant
<u>Amelanchier canadensis</u>	(Canadian Serviceberry)	Abundant
<u>Amelanchier laevis</u>	(Serviceberry)	Abundant
<u>Amelanchier obovalis</u>	(Obovate Serviceberry)	Abundant
<u>Clethra alnifolia</u>	(Sweet Pepperbush)	Abundant
<u>Cornus amomum</u>	(Silky Dogwood)	Local
<u>Cornus florida</u>	(Flowering Dogwood)	Freq. Abund.
<u>Gaylussacia frondosa</u>	(Huckleberry)	Abundant
<u>Ilex opaca</u>	(American Holly)	Abund. - Freq.
<u>Itea virginica</u>	(Tassel-White)	Infrequent
<u>Kalmia angustifolia</u>	(Lamb-Kill)	Abundant
<u>Kalmia latifolia</u>	(Mountain Laurel)	Abundant
<u>Leucothoe racemosa</u>	(Fetter-Bush)	Abundant
<u>Lindera benzoin</u>	(Common Spicebush)	Frequent
<u>Lyonia ligustrina</u>	(Male-Berry)	Frequent
<u>Myrica pensylvanica</u>	(Bayberry)	Frequent
<u>Prunus serotina</u>	(Black Cherry)	Abundant
<u>Prunus virginiana</u>	(Choke Cherry)	Local
<u>Rhododendron nudiflorum</u>	(Pinxter Flower)	Infrequent

PLANT ASSOCIATION: UPLAND MOIST (Continued)

NAME RELATIVE ABUNDANCE

<u>Rhus glabra</u>	(Smooth Sumac)	Freq. (Early Succession)
<u>Rubus hispidus</u>	(Swamp Dewberry)	Frequent
<u>Rubus occidentalis</u>	(Wild Black Raspberry)	Frequent
<u>Sambucus canadensis</u>	(Elder)	Frequent
<u>Vaccinium angustifolium</u>	(Low Sweet Blueberry)	Frequent
<u>Vaccinium corymbosum</u>	(Highbush Blueberry)	Abundant
<u>Viburnum acerifolium</u>	(Maple-Leaved Arrowhead)	Frequent
<u>Viburnum prunifolium</u>	(Black Haw)	Frequent

VEGETATIVE STRATA - TREES

<u>Acer rubrum</u>	(Red Maple)	Abundant
<u>Betula nigra</u>	(River Birch)	Local
<u>Carya glabra</u>	(Pignut Hickory)	Frequent
<u>Celtis occidentalis</u>	(Hackberry)	Frequent
<u>Diospyros virginiana</u>	(Common Persimmon)	Local
<u>Fagus grandifolia</u>	(American Beech)	Frequent
<u>Fraxinus americana</u>	(White Ash)	Frequent
<u>Juglans nigra</u>	(Black Walnut)	Frequent
<u>Juniperus virginiana</u>	(Red Cedar)	Abund. (Early Succession)
<u>Liquidambar styraciflua</u>	(Sweet Gum)	Abundant
<u>Liriodendron tulipifera</u>	(Yellow Poplar)	Abundant

PLANT ASSOCIATION: UPLAND MOIST (Continued)

NAME RELATIVE ABUNDANCE

<u>Magnolia virginiana</u>	(Sweet Bay Magnolia)	Frequent
<u>Nyssa sylvatica</u>	(Black Gum)	Abundant
<u>Populus grandidentata</u>	(Swamp Poplar)	Infrequent
<u>Populus deltoides</u>	(Cottonwood)	Infrequent
<u>Quercus alba</u>	(White Oak)	Abundant
<u>Quercus phellos</u>	(Willow Oak)	Frequent
<u>Quercus prinus</u>	(Chestnut Oak)	Abundant
<u>Quercus rubra</u>	(Red Oak)	Abundant
<u>Sassafras albidum</u>	(Sassafras)	Abundant

Source: Baltimore County Office of Planning and Zoning, May 1987

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 24, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
DevelopmentMr. & Mrs. Michael D. Shifflett
1213 Evergreen Lane
Baltimore, MD 21221RE: Item No. 9, Case No. 90-147-SPHA
Petitioner: Michael D. Shifflett, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Shifflett:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development. It is that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning CommissionerDennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
26th day of August, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Michael D. Shifflett, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: October 19, 1989
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Michael D. Shifflett, Item 9
Zoning Petition No. 90-147

The petitioner requests a Variance to permit 2 lot line setbacks and to determine "good faith" for Lots #111 and #112 combined as an undersized buildable lot.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

OCT 24 1989

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554RECEIVED
AUG 3 1989

ZONING OFFICE

July 31, 1989

Dennis F. Rasmussen
County ExecutiveMr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

Baltimore County
Fire Department
300 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Weir
Chief

JULY 24, 1989

Dennis F. Rasmussen
County ExecutiveJ. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MICHAEL D. SHIFFLETT
Location: SE/S OF EVERGREEN LANE
Item No.: 9 Zoning Agenda: JULY 25, 1989

Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Capit J. Kelly* Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK

JUL 28 1989

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 7, 1989

Dennis F. Rasmussen
County Executive

Randolph N. Blair, Esquire
1234-A Merritt Boulevard
Baltimore, Maryland 21222

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
SE/S Evergreen Lane, 495' NE of the c/l of Beachwood Avenue
(1213-A Evergreen Lane)
15th Election District - 5th Councilmanic District
Michael D. Shifflett, et ux - Petitioners
Case No. 90-147-SPHA

Dear Mr. Blair:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Chesapeake Bay Critical Areas Commission
Towson State Office Bldg., D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

File

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT7/26/89
DateZoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 9, Zoning Advisory Committee Meeting of July 25, 1989
Property Owner: Michael D. Shifflett, et ux
Location: SE/S Evergreen Ln, 495' NE centerline of Beachwood Ave. District: 15
Water Supply: private Sewage Disposal: private
COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Baltimore County Department of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, garage, ship/pools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been conducted.
- () The results are valid until July 12, 1992.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3960.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2162.
- () Others proposed dwelling on property must be set back a minimum of 20 feet from established sewage disposal area.

G.D. Ethel
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT